

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/JP2005/003072

International filing date (day/month/year)
18.02.2005

Priority date (day/month/year)
19.02.2004

International Patent Classification (IPC) or both national classification and IPC
H04L29/06, H04L29/12, H04M7/00

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Lopez Monclus, I.

Telephone No. +49 89 2399-7113



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/JP2005/003072**AP20 Rec'd PCT/PTO 30 MAY 2006****Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2005/003072

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-38
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-38
Industrial applicability (IA)	Yes: Claims	1-38
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.
AP20 Rec'd PCT/PTO 30 MAY 2006
PCT/JP2005/003072

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: US 2002/150110 A1 (INBAR SHLOMO ET AL) 17 October 2002 (2002-10-17)
- D2: CHATHAPURAM U S: "Security in Peer-to-Peer Networks" INTERNET, 8 August 2001 (2001-08-08), XP002251813
- D3: PATENT ABSTRACTS OF JAPAN vol. 2003, no. 09, 3 September 2003 (2003-09-03) & JP 2003 158553 A (OKI ELECTRIC IND CO LTD), 30 May 2003 (2003-05-30) & US 2003 0095546
- D4: US 2003/028639 A1 (YAMAMOTO MASAYA ET AL) 6 February 2003 (2003-02-06)

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 38 does not involve an inventive step in the sense of Article 33(3) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 38. It discloses (the references in parentheses applying to this document) a communication system in which the terminals register with a Management Server, to which they request the address of a destination terminal prior to establishing a peer to peer connection with said destination terminal (Abstract, figure 1 and paragraphs 10-47 and 62-67).

The subject-matter of claim 38 therefore differs from the system disclosed in D1 in that the destination terminals have a permission list against which the identity of the terminal desiring to establish a connection is checked before allowing the Management Server to send him the address of the destination terminal for establishing the peer to peer connection, and in that the Management Server is divided in a Session Management Server and a Trigger Server.

The problem to be solved by the present invention may therefore be regarded as providing access control in peer to peer networks.

The solution proposed in claim 38 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) since the usage of Permission Lists (or "Access Control Lists") is well known in the art and has already been used in the field of Peer to Peer networks, as disclosed for example in document D2. This document, general knowledge in the field of Security in Peer to Peer networks, describes the usage of Access Control Lists in the brokers or in the peers of the network (Page 7).

Regarding the separation of the Management Server into a Session Management Server and a Trigger Server, it is a matter of normal design procedure and would therefore be an obvious design possibility for the skilled person (in fact, in page 26 of the description of the application it is disclosed that a single server could be equipped with all this functions).

The subject-matter of claim 38, therefore, can not be accredited with an inventive step and does not meet the requirements of Article 33(3) PCT.

2. The same reasoning applies, *mutatis mutandis*, to the subject-matter of the corresponding independent apparatus, method and program claims 1, 11, 18, 26 and 30-37, which therefore are also considered not inventive.
3. The dependent claims do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, see documents D1-D4 and the corresponding passages cited in the search report.

Re Item VII

Certain defects in the international application (form or content).

1. The independent claims are not properly cast in the two-part form (Rule 6.3(b) PCT), with those features which in combination are part of the prior art (see document D1) being placed in the preamble.
2. Documents D1, D2 and D4 are not identified in the description and the relevant background art disclosed therein has not been briefly discussed (Rule 5.1(a)(ii) PCT).
3. Reference signs in parentheses have not been inserted in the claims to increase their intelligibility, Rule 6.2(b) PCT. This applies to both the preamble and characterising portion.
4. The general statement "...incorporated herein by reference..." in lines 10-13 on page 8 is not clear (cf. also PCT Guidelines 4.26 and 4.31).
5. Following from the disclosure of documents D1, D2 and D4, the statement indicating the technical problem to be solved by the invention has not been revised taking the requirements of Rule 5.1(a)(iii) PCT into account.

Re Item VIII

Certain observations on the international application (clarity).

1. It is clear from the description on page 3, lines 6-8 that making the judgment on the possibility of establishing the connection is essential to the definition of the invention.

Independent claim 1 does not contain this feature since it just defines the existence of a permission list and only claim 2 defines that the terminal transmits the permission list for an external judgement or claim 3 defines that the judgement is done internally in the terminal. Claim 1 does not therefore meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

On the other hand, independent claims 18 and 28 define how the judgement is done in the Session Management Server, so claim 1 does not correspond to said claims. Independent claims should correspond to also meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

2. The formulation "a polling unit operable to perform, upon receiving **a request** for a communication with the session management server from the trigger server, polling on the trigger server so as to receive **the request** from the trigger server" is not clear Article 6 PCT. It can not be understand why would the terminal poll on the server to receive the request that was received in the first place, and does not make sense according to the description and figures (see for example Figure 8; Terminal 1 receives the request and then sends the permission list to the Session Management Server).

This applies to the equivalent formulations in the corresponding method, program and system claims.

3. Claims 1, 11, 18 and 26 do not meet the requirements of Article 6 PCT in that it is not

clear which category the claims are referring to. Claims can not contain both process and apparatus features, for example:

- Claim 1: A connected communication terminal that communicates...
- Claim 11: A connecting communication terminal that performs...

In this connection, structural features used to define physical entities (e.g. "comprising means for..." or "comprising means arranged in such a way as to...") should be interpreted as features of an apparatus whereas features relating to activities in which the use of a physical entity is implied (e.g. doing something by means of) should be regarded as functional features of a process.